

RECEIVED  
CENTRAL FAX CENTER

Mar-02-05 05:19pm From:JD CLEVELAND

MAR 02 2005

216 579 0212

T-008 P.001/007 F-005



Facsimile Transmission

North Point, 901 Lakeside Avenue • Cleveland, Ohio 44114-1190 • (216) 586-3939  
Facsimile: (216) 579-0212

Date: 3/2/2005

Please hand deliver the following facsimile to:

Name: Examiner Anthony D. Stashick

Facsimile No.: 703-872-9306

Company : U. S. Patent & Trademark Office

Number of pages (including this page): 7

Telephone No.:

From: Mitchell Rose, Ph.D., Patent Agent

Send Copies To:

Direct Telephone No.: 216-586-7094

JP No.: 000488

☐ Copies distributed

CAM No.: 101990-0025005

Operator's Initials

**NOTICE:** This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at the direct telephone number noted above.

Message:

This is an Official Communication to Examiner Stashick from Mitchell Rose  
(Reg. No. 47,906) for Application No. 10/648,065.

Enclosure:


- Request for Reconsideration of Information Disclosure Statement (2 pages)
- Copy of IDS (1 page)
- Copy of Form 1449 (1 page)
- Copy of IDS document (1 page)
- Copy of return postcard (1 page)

Please call Mitchell Rose at 216-586-7094 if the facsimile is incomplete or illegible.

Jones Day

ATLANTA • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • GENEVA • HONG KONG • HOUSTON • IRVINE • LONDON • LOS ANGELES  
MADRID • MIAMI • NEW DELHI • NEW YORK • PALO ALTO • PARIS • PITTSBURGH • SHANGHAI • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

Express Mail No.: EV243776208 US  
 Docket No.: 101990-025005  
 Application No.: Not Yet Assigned  
 Patent/Registration No.: \_\_\_\_\_  
 Trademark: \_\_\_\_\_

Date Mailed: August 26, 2003 03913 U.S. PTO  
 Applicant: Alaimo et al. **10/648065**  
 Filing Date: Herewith   
 Issue/Registration Date: \_\_\_\_\_  
 Title: Foot Orthotic

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

<input type="checkbox"/> Affidavit (____ pages)	<input type="checkbox"/> Design Patent Application Transmittal
<input type="checkbox"/> Amendment (____ pages)	<input checked="" type="checkbox"/> Utility Patent Application Transmittal
<input checked="" type="checkbox"/> Application Papers	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> <u>5</u> sheets of drawing(s) (format <u>informal</u> )	<input type="checkbox"/> Maintenance Fee Transmittal Form
<input type="checkbox"/> <u>13</u> pages specification	<input type="checkbox"/> Notice of Opposition
<input type="checkbox"/> <u>9</u> pages description	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> <u>3</u> pages claims	<input type="checkbox"/> Preliminary Amendment (____ pages)
<input type="checkbox"/> <u>1</u> pages abstract	<input type="checkbox"/> Renewal Application (____ pages)
<input type="checkbox"/> pages of PCT Request	<input type="checkbox"/> Response (____ pages)
<input type="checkbox"/> PCT Calculation sheet	<input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Small Entity Statement
<input checked="" type="checkbox"/> Assignment ( <u>2</u> pages) <input checked="" type="checkbox"/> <u>1</u> assignment cover sheet	<input type="checkbox"/> Specimens
<input checked="" type="checkbox"/> Declaration ( <u>2</u> pages)	<input type="checkbox"/> Statement of Use
<input type="checkbox"/> Declaration/Power of Attorney (____ pages)	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Fee Transmittal Form (duplicate)	<input type="checkbox"/> Transmittal Letter
<input checked="" type="checkbox"/> IDS & PTO-1449 and 2pgs	<input type="checkbox"/> Check - Amount \$ _____
<input checked="" type="checkbox"/> <u>X</u> cited item(s) 21 refs.	<input type="checkbox"/> Other
<input type="checkbox"/> Provisional Application for Patent cover sheet	

MR

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alaimo, et al.  
Title : Foot Orthotic  
Application No. : 10/648,065  
Filing Date : 8/26/03  
Examiner : Anthony D. Stashick  
Group Art Unit : 3728  
Attorney Docket : 101990025005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF INFORMATION DISCLOSURE STATEMENT**

An Information Disclosure Statement (IDS) was filed along with the original application. It was accompanied by a Form 1449 listing 21 documents and copies of all 21 documents. Applicants subsequently received a return postcard from the USPTO indicating that the USPTO received the IDS, the Form 1449 and the copies of all 21 documents.

In a copy of the Form 1449 accompanying the latest Office Action, the Examiner initialed the listings of the first 20 IDS documents. But he crossed out the listing of the last IDS document. In a telephone conference on March 2, 2005, the Examiner explained that he did so because a copy of the last document could not be found on the USPTO's database. The Examiner suggested that Applicants submit this Request for Reconsideration of Information Disclosure Statement, along with copies of the IDS, the Form 1449, the last document, and the return postcard showing the USPTO previously received all 21 documents.

Accordingly, Applicants submit herewith copies of the IDS, the Form 1449, the last document, and the return postcard. Applicants request that the last IDS document be considered by the examiner and initialed.

No fee should be due for this Request and re-submission of the last IDS document, **because** the document was previously submitted in an IDS along with the original application. **However**, if any fee is due for this Request, it should be withdrawn from the Jones Day Deposit Account No. 50-1432, Reference No. 101990025005.

Respectfully submitted,

*Mitchell Rose*

Mitchell Rose, Patent Agent  
Registration No. 47,906  
JONES DAY  
901 Lakeside Ave.  
Cleveland, OH 44114  
(216) 586-7094

Date: 3/2/05

MAR 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alaimo, et al.  
Title : Foot Orthotic  
Application No. : Not Yet Assigned  
Filed : Herewith  
Attorney Docket : 101990025005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

This Statement is submitted in compliance with 37 CFR 1.56.

A list of documents is set forth on the attached Form PTO-1449. A copy of each document listed is enclosed.

Respectfully submitted,

*Mitchell Rose*

Mitchell Rose, Patent Agent  
Registration No. 47,906  
JONES DAY  
901 Lakeside Ave.  
Cleveland, OH 44114  
(216) 586-7094

Date: 8/26/03

"Express Mail" Mailing Label No. EV243776208US

Date of Deposit August 26, 2003

I hereby certify that this paper or ~~pages~~ <sup>pages</sup> being deposited with the United States Postal Service "Express Mail" Post Office to Addressee service under 37 CFR 1.19 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By *Stephanie O'Brien*

FORM PTO-1449 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)  (37 CFR 1.98(b))				Atty Docket No.: 101990025005 Application No.: Not Yet Assigned Applicant: Alaimo Filed: Group: Not Yet Assigned			
<b>U.S. PATENT DOCUMENTS</b>							
Exam. Init.		Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date
	A	4,520,581		Irwin			
	B	4,826,497		Marcus			
	C	4,868,945		DeBertignies			
	D	4,876,758		Rolloff			
	E	5,083,910		Abshire			
	F	5,163,094		Prokoski			
	G	5,432,000		Young			
	H	5,498,478		Hansen			
	I	5,714,098		Potter			
	J	5,733,647		Moore			
	K	5,879,725		Potter			
	L	5,951,799		Williamson			
	M	6,141,889		Baum			
	N	6,247,250		Hauser			
	O	6,280,815		Ersfeld			
	P	6,481,120		Xia			
	Q	6,543,158		Dieckhaus			
	R	6,549,639		Genest			
	S	2002/0122928		Botrie			
	T	2003/0091612		Sabesan			
<b>FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION</b>							
Exam. Init.		Document Number	Publication Date of the Grant	Country or Patent Office	Class	Subclass	Translation
	U						Yes No
<b>OTHER DOCUMENTS (Including Author, Title, Date**, Relevant pages, Place of Publication***)</b>							
		One-page copy of operating instructions for PressureStat footprinting device manufactured by PodoTrack and marketed by FootLogic, LLC, undated.					
Examiner				Date Considered			
EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							